

**THE VIRGINIA BOARD FOR  
ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS  
MEETING MINUTES**

The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors met on November 15, 2011, at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present:

Bonnie Atwood	Brian Koepf
Colleen Becker	T. Joel Loving
Christopher Chapman	Reginald Marston, III
Keith Cronan	Kenneth Nash (arrived at 9:12 a.m.)
Dolores Daniels	Peter Palmer
Phillip Fincher	D. Todd Vander Pol
Rick Holtz (arrived at 9:08 a.m.)	

Board Members Suzanne Blevins and D. Bowen Hyatt were not present at the meeting.

The following staff members were present for part or all of the meeting:

Gordon Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
David Dick, Executive Director  
Michele Atkinson, Board Administrator  
Jill Hrynciw, Board Administrator  
Betty C. Jones, Administrative Assistant  
Earlyne Perkins, Legal Analyst

No representative of the Office of the Attorney General was present.

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:06 a.m.

**Call to Order**

Mr. Holtz arrived at 9:08 a.m.

**Arrival of Board  
Member**

Ms. Hrynciw asked the Board to amend the agenda and move the Conflict of Interests Act Training after adjournment. The members who have not completed Conflict of Interests Act Training will remain and take the training. Mr. Loving moved to approve the amended agenda. Mr. Vander Pol seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker and Rick Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Approval of Agenda**

Mr. Vander Pol moved to approve the following minutes:

**Approval of  
Minutes**

Board Meeting Minutes – August 23, 2011;  
IFF Meeting Minutes – August 25, 2011;  
IFF Meeting Minutes – September 6, 2011;  
IFF Meeting Minutes – September 8, 2011;  
IFF Meeting Minutes – September 27, 2011; and  
IFF Meeting Minutes – October 13, 2011.

Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker and Rick Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Shari Solomon, Director of Training Environmental International, Glen Burnie, Maryland, was present and addressed the Board.

**Public Comment  
Period**

Mr. Nash arrived at 9:12 a.m.

**Arrival of Board  
Member**

Mr. Cronan re-opened the public comment period. Kem Shim, Laborers International Union, Reston, Virginia, Ernest Ojtto, unaffiliated asbestos worker, Silver Spring, Maryland, and Ernesto Torres, asbestos worker, Baltimore, Maryland were present and addressed the Board.

**Public Comment  
Period**

Regarding **File Number 2011-04846, Ernest C. Clare, Jr.**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Clare was present and addressed the Board. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with a correction to the Informal Fact Finding Summary, page two, number 4, second sentence, beginning with "...and stated Jarrett was forthcoming..." should be changed to read "and stated Clare was forthcoming"; and approve Mr. Clare's asbestos supervisor application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated

**File Number 2011-  
04846 – Ernest C.  
Clare, Jr.**

to RRP until the effective date of the regulations.

Regarding **File Number 2012-00081, Don Everett Peters**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Peters was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Peters' asbestos supervisor application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**File Number 2012-00081 – Don Everett Peters**

Regarding **File Number 2012-00057, Ricky L. Rollins, Sr.**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Rollins was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Rollins' asbestos worker application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**File Number 2012-00057 – Ricky L. Rollins, Sr.**

Mr. Palmer recused himself from the meeting.

**Mr. Palmer Recused**

Regarding **File Number 2012-00473, Bernard W. Crider**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Crider was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with a correction to the Informal Fact-Finding Conference Referral Memorandum, page two, second line, and add regulation 18 VAC 15-60-80 to the text, and deny Mr. Crider's mold inspector application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute,

**File Number 2012-00473 – Bernard W. Crider**

they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Mr. Palmer was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Palmer returned to the meeting.

**Board Member  
Returned to  
Meeting**

Regarding **File Numbers 2012-00328 and 2012-00329, Charles A. Cuffee, Jr.**, the Board members reviewed the application files, which consisted of the exhibits, transcripts and the Presiding Officer's Summaries and Recommendations. Mr. Cuffee was present and addressed the Board. Mr. Vander Pol moved to accept the summaries and recommendations of the Presiding Officer with a correction to the Informal Fact-Finding Summary for 2012-00328, page three, number 4, last sentence, the language should read a licensed asbestos supervisor instead of a licensed lead worker and in both of the files in the Informal Fact-Finding Summaries a correction, page three, number 8, after the first sentence, the phrase "Cuffee is" should be deleted, and approve Mr. Cuffee's asbestos supervisor application and lead worker application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**File Numbers  
2012-00328 and  
2012-00329 –  
Charles A. Cuffee,  
Jr.**

The Board recessed for a break at 9:50 a.m. and reconvened at 10:04 a.m.

**Break**

Mr. Marston made a motion to adopt the staff recommendation and that the Board require Board-approved initial training, approved on or after July 1, 2011, to satisfy the entry requirements found at 18 VAC 15-60-40.A.4 for any individual applying for licensure. Further, that since the CEI course completed in October 2009 by ACM employees did not include the required six hours of hands-on training, the Board requires that those ACM employees applying for a mold remediator worker license under 18 VAC 15-60-40.A.4.a. complete Board-approved initial training that was approved on or after July 1, 2011 before being eligible for licensure. Mr. Loving seconded the motion which was

**Adoption of Staff  
Recommendation  
Regarding Mold  
Training Experience  
Requirement**

unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Mr. Vander Pol made a motion to adopt the Guidance Document, prepared by staff, regarding 18 VAC 15-60-40.A.4.c.(2) and 18 VAC 15-60-40.B concerning qualifications for mold individual licensure. Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Adoption of Mold  
Guidance Document**

Mr. Dick updated the Board on the progress of the regulatory activity and the Board took no action.

**Update on  
Regulatory Activity**

Mr. Vander Pol moved that because no public comment was received during the public comment period on the Board's Public Participation Guidelines regulation, the Lead-Based Paint Activities regulation, and the Certified Home Inspectors regulation, the Board will retain the Public Participation Guidelines regulation, the Lead-Based Paint Activities regulation, and the Certified Home Inspectors regulation in their current form. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Periodic and Small  
Business Impact  
Review of  
Regulations**

Mr. Loving moved that the Board adopt the summary of public comment and agency response to the comments received on the Asbestos Licensing regulation during the public comment period, that the comments presented no information justifying an amendment to the Asbestos Licensing regulations and, therefore, the Board will retain the Asbestos Licensing regulation in its current form. Ms. Becker seconded the motion which was unanimously approved by: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were

present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Mr. Palmer moved that the Board adopt the summary of public comment and agency response to the comments received on the Mold Inspector and Remediator regulation, that the comments presented no information justifying an amendment to the Mold Inspector and Remediator regulation, and, therefore, the Board will retain the Mold Inspector and Remediator regulation in its current form. Mr. Chapman seconded the motion which was unanimously approved by: Atwood, Chapman, Cronan, Daniels, Fincher, Koepf, Loving, Marston, Palmer, and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The Board briefly discussed the Code of Virginia definitions of “mold inspection” and “mold remediation” as they applied to certain work performed by mold inspectors and mold remediators. Specifically, the Board was concerned that mold remediators may be presenting their remediation proposal or scope of work to potential clients as a mold management plan or a mold remediation protocol, which may only be prepared by a licensed mold inspector.

**Definition of Mold  
Inspection and Mold  
Remediation  
(§ 54.1-500 and  
18 VAC 15-60-20)**

The Board asked staff to examine this issue and explore a means of informing those in the industry of the limitations of tasks authorized by their license. Staff will examine the issue and provide the results and any recommendations to the Board during its next meeting, scheduled for February 7, 2012.

The following meeting dates have been scheduled:

- February 7, 2012
- May 10, 2012
- August 23, 2012
- November 8, 2012

**Future Meeting  
Dates**

Mr. Cronan requested that the Board members complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms and Travel  
Vouchers**

There being no further business, the meeting adjourned at 11:17

**Adjournment**

a.m.

After adjournment, Ms. Hrynciw provided the Board with training on the Conflict of Interests Act. Board members Atwood, Fincher, Holtz, Koepf, and Marston completed the training.

**Conflict of Interests  
Act Training**

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Keith F. Cronan, Chair

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Gordon Dixon, Secretary